

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:	John M. Adolphson, et al.	:	Date: January 31, 2007
Group Art Unit:	2192	:	IBM Corporation
Examiner:	C. Kendall	:	Intellectual Property Law
Serial No.:	10/616,547	:	Dept. 917, Bldg. 006-1
Filed:	July 10, 2003	:	3605 Highway 52 North
Title:	METHOD AND APPARATUS FOR GENERATING COMPUTER PROGRAMMING CODE SELECTIVELY OPTIMIZED FOR EXECUTION PERFORMANCE AND NOT OPTIMIZED FOR SERVICEABILITY	:	Rochester, MN 55901

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 2313-1450

Sir:

**NOTICE OF APPEAL FROM THE PRIMARY EXAMINER
TO THE BOARD OF PATENT APPEALS AND INTERFERENCES**

Applicants hereby appeal to the Board of Patent Appeals and Interferences from the decision of the Examiner dated November 2, 2006, finally rejecting claims 1-19.

Docket No.: ROC920030028US1
Serial No.: 10/616,547

The appeal fee pursuant to 37 C.F.R. §1.17(b) for other than a small entity is \$500.00.
Please charge Deposit Account No. 09-0465 in the amount of \$500.00.

The Commissioner is hereby authorized to charge payment of the following fees associated with this communication or credit any overpayment to Deposit Account 09-0465:

- (a) Any additional filing fees under 37 C.F.R. §1.16; and
- (b) Any patent application processing fees under 37 C.F.R. §1.17.

Respectfully submitted,
JOHN M ADOLPHSON, et al.



By: _____
Roy W. Truelson
Registration No. 34,265

Telephone: (507) 202-8725